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4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT SEATTLE

7 SHELTON SMALLWOOD,

8 Petitioner,

9 v.

10 MARY BETH FLYGARE, *et al.*,

11 Respondents.

CASE NO. C17-1179-JCC

ORDER

12 The Court, having reviewed Petitioner Shelton Smallwood's 42 U.S.C. § 1983 complaint
13 (Dkt. No. 1), the Report and Recommendation of the Honorable Mary Alice Theiler, United
14 States Magistrate Judge (Dkt. No. 4), the lack of objections thereto, and the remaining record,
15 hereby FINDS and ORDERS that:

- 16 1. The Report and Recommendation (Dkt. No. 4) is ADOPTED;
17 2. Petitioner's 42 U.S.C. § 1983 complaint (Dkt. No. 1) is DISMISSED without
18 prejudice prior to service; and
19 3. The Clerk shall SEND a copy of this order to the parties and to Judge Theiler.

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1 DATED this 16th day of October 2017.

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7 John C. Coughenour
8 UNITED STATES DISTRICT JUDGE
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